



March 3, 2023

**SUMMARY OF BILL:** Prohibits the Department of Children’s Services (DCS) from allowing unsupervised visitation with or returning physical custody of a child, who was removed as a result of dependency and neglect, to a parent or guardian without a court hearing to ensure the child will receive safe and proper care in the home, at which DCS is required to provide documentation of at least two observed home visits.

**FISCAL IMPACT:**

**Increase State Expenditures – \$95,900/FY23-24 and Subsequent Years**

**Increase Federal Expenditures – \$64,200/FY23-24 and Subsequent Years**

Assumptions:

- Pursuant to Tenn. Code Ann. § 37-1-130(d)(1), DCS is currently required to notify the court of its intention to place a child under its custody at home on a trial home visit, and only if the court objects to this will a hearing be held.
- According to DCS’s July 2022 *Visitation Guide*, children under DCS care should visit with their parents no less than twice per month for a minimum of one hour, even if supervision is required. If the visitation is supervised, it is required to be documented in the proper forms.
- According to information provided by DCS, it is assumed that 3,567 children will require the two observed home visits and subsequent court hearings.
- Since the court currently only requires a hearing when it objects to returning a child to their parent or guardians’ custody, it is assumed that 50 percent will require hearings as a result of this legislation.
- Each hearing is assumed to require one hour of additional time.
- Therefore, the total increase in time required by the hearings created by the proposed legislation will be 1,784 (3,567 children x 1-hour hearing x 50%) hours.
- It is assumed that the average full-time employee works 2,000 hours per year; therefore, the proposed legislation will require one (1,784 additional hours / 2,000 hours per year) additional Associate Counsel position.
- The Associate Counsel position will create a recurring increase in expenditures of \$160,085 (\$131,004 salary + \$29,081 benefits) in FY23-24 and subsequent years, which will consist of:
  - 44 percent, or \$70,437 (\$160,085 x 44%), in DCS state funding;

- 10 percent, or \$16,009 ( $\$160,085 \times 10\%$ ), in Title IV-E federal funding; and
- 46 percent in TennCare funding, which consists of:
  - \$48,223 ( $\$160,085 \times 46\% \times 65.485\%$ ) in TennCare federal funding, and
  - \$25,416 ( $\$160,085 \times 46\% \times 34.515\%$ ) in TennCare state funding.
- The total increase in expenditures will be \$95,853 ( $\$70,437 + \$25,416$ ) state funding and \$64,232 ( $\$16,009 + \$48,223$ ) federal funding in FY23-24 and subsequent years.
- According to information provided by the Administrative Office of the Courts, there will be no significant fiscal impact to the courts as a result of the proposed legislation.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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